

The Honorable Robert S. Lasnik



13-CV-01092-APPL

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RONALD F. STRICH,

Plaintiff,

vs.

ACCELITEC, INC., a Washington corporation,

Defendant.

No. 2:13-cv-01092-RSL

STIPULATION AND ~~[PROPOSED]~~ ORDER  
FOR PREJUDGMENT WRIT OF  
ATTACHMENT AND FOR CONDUCTING  
DEPOSITION DISCOVERY PAST THE  
DISCOVERY CUTOFF

NOTE ON MOTION CALENDAR:  
January 31, 2014

STIPULATION

In an effort to advance potential settlement negotiations between the parties, and to resolve their remaining disputes without further resort to the Court, the parties have agreed to certain conditions that require approval of the Court, and entry of an Order. Accordingly, pursuant to Local Rule CR 10(g), Fed. R. Civ. P. 29, and RCW 6.25 *et seq.*, the parties hereby stipulate and agree as follows:

1. Currently pending before the Court is Plaintiff Ronald F. Strich's ("Strich") Motion for Prejudgment Writ of Attachment. Mot., dkt. # 21. The parties and agree that in lieu of a decision by the Court on Strich's motion, Defendant Accelitec, Inc. ("Accelitec") consents to the issuance of a prejudgment writ of attachment in the amount of \$1,240,876.71 on all of Accelitec's intangible personal property, and as set forth more particularly in the proposed Writ

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Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

1 of Attachment and Attachment Lien attached to this Stipulation as **Exhibit A**. Accelitec  
2 affirmatively waives any bond requirement of RCW 6.25.080(1).

3       2. The parties further stipulate and agree that Strich is entitled to conduct limited  
4 discovery into Accelitec's financial condition, as requested in Strich's motion, and as provided  
5 by RCW 6.25.170. Specifically, the parties agree that Accelitec will identify and designate a  
6 representative capable of testifying as to the company's assets and liabilities who shall appear for  
7 an examination into these matters by no later than February 21, 2014. Accelitec further agrees to  
8 produce, no later than five days prior to the agreed-upon date for the examination, the following  
9 documents relating to Accelitec's financial condition (for the period January 1, 2013 to the  
10 present):

- 11           a. Monthly Cash Flow Statements;
- 12           b. Income Statement;
- 13           c. Balance Sheet;
- 14           d. Accounts Receivable & Accounts Payable; and
- 15           e. Documents evidencing the value of the company's secured and unsecured  
16           debts.<sup>1</sup>

17       3. The parties stipulate and agree that Strich's pending Motion for Prejudgment Writ  
18 of Attachment, dkt. # 21, may be stricken as moot.

19       4. The discovery cutoff in this case is February 2, 2014. Minute Order, dkt. # 15.  
20 The parties stipulate and agree that Accelitec may conduct a deposition of Strich after the  
21 discovery cutoff, as permitted by Fed. R. Civ. P. 29(b), but that in any event, said deposition  
22 must be completed by no later than February 21, 2014.

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25 <sup>1</sup> With respect to this last category of documents, the parties stipulate and agree that Accelitec may insert  
26 placeholders for the names of the individuals and entities currently holding Accelitec debt in order to protect their  
privacy.

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1           5.     The parties agree that no changes to the current case schedule are being requested  
2 except as expressly set forth in this Stipulation.

3           6.     Finally, Strich's Motion for Summary Judgment is also currently pending before  
4 the Court, with a noting date of February 2, 2014. Mot., dkt. # 32; Notice, dkt. # 35. The parties  
5 stipulate and agree that the Motion for Summary Judgment shall be renoted for consideration by  
6 the Court to February 28, 2014.

7           DATED this 31st day of January, 2014.

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9     By: s/Daniel J. Oates  
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*Attorney for Defendant*

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**ORDER**

Based on the above Stipulation, and having considered the files and records herein and being fully advised, now therefore, the Court HEREBY ORDERS as follows:

1. The Court DIRECTS the clerk to issue a Prejudgment Writ of Attachment in favor of Strich and against Accelitec in the amount of \$1,240,876.71 on all of Accelitec's intangible personal property, consistent with the form attached hereto as **Exhibit A**.

2. The levy of attachment and perfection of the security interest in Accelitec's intangible personal property shall be effected in the manner provided for by RCW 6.17.160(7), and as described more particularly in the Writ of Attachment and Attachment Lien. RCW 6.25.140; Ex. A.

3. Pursuant to RCW 6.25.170, Accelitec will identify and designate a representative capable of testifying as to the company's assets and liabilities who will appear for an examination into these matters by no later than February 21, 2014. In addition, Accelitec will produce, no later than five days prior to the agreed-upon date for the examination, the following documents relating to Accelitec's financial condition (for the period January 1, 2013 to the present):

- a. Monthly Cash Flow Statements;
- b. Income Statement;
- c. Balance Sheet;
- d. Accounts Receivable & Accounts Payable; and
- e. Documents evidencing the value of the company's secured and unsecured debts, subject to the confidentiality protections set forth in the Stipulation.

4. The Court STRIKES as moot Strich's pending Motion for Prejudgment Writ of Attachment, dkt. # 21.

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1           5. Pursuant to Fed. R. Civ. P. 29(b), Accelitec may conduct a deposition of Strich  
2 after the February 2, 2014 discovery cutoff, but in any event, said deposition must be completed  
3 by no later than February 21, 2014.

4           6. The Court renotes Strich's pending Motion for Summary Judgment, dkt. # 32, to  
5 February 28, 2014.

6           **IT IS SO ORDERED.**

7           DATED: Feb. 3, 2014

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11 The Honorable Robert S. Lasnik  
12 United States District Court Judge  
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